

TUVQIPÄÜÖPVOÖ
Kevin H. Sharp

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

WATSON CARPET & FLOOR)	
COVERING, INC.,)	
)	
Plaintiff,)	No: 3:09-cv-0487
)	
vs.)	Judge: Sharp/Bryant
)	
)	JURY DEMAND
MOHAWK INDUSTRIES, INC.,)	
)	
Defendant.)	
)	

PLAINTIFF'S MOTION TO CONSIDER ADDITIONAL EVIDENCE
IN SUPPORT OF PLAINTIFF'S RESPONSE TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

Plaintiff respectfully moves the Court to consider the following evidence in support of Plaintiff's Response to Defendant's Motion for Summary Judgment: Declaration of Frank Jones (document 176); Newmark Damage Calculation Back-Up Documents (document 177); Pulte Damage Calculation Back-Up Documents (document 178); Declaration of Johnny Watson (document 180); Declaration of Rick Rinehart (document 181); Affidavit of Rick Rinehart (document 182); Affidavit of Wanda Reynolds (document 183); and Notice of Filing of Transcript from Prior Trial (No.) (document 183).

In support of its Motion, Plaintiff shows that this proof was inadvertently omitted from Plaintiff's filings on November 12, at which time Plaintiff's counsel had computer problems and had to recover documents, and the omission was discovered on November 13 (see, Order, document 173). This proof is being filed one day after the deadline for filing a response to Defendant's Motion for Summary Judgment. Defendant has previously been provided with all of these documents long before the filing deadline.